

SCHEDULES

SCHEDULE 1

MODIFICATION OF ACT FOR CERTAIN CONTRACTS

Section 12: implied terms about title etc.

- 3 In relation to a contract made before 18 May 1973 substitute the following for section 12: —

“12 Implied terms about title, etc.

In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

- (a) an implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and in the case of an agreement to sell he will have such a right at the time when the property is to pass ;
- (b) an implied warranty that the buyer will have and enjoy quiet possession of the goods ;
- (c) an implied warranty that the goods will be free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.”